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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/836,613	04/17/2001	John Joseph Hopwood	2249/104	9830

7590 06/28/2005

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EXAMINER

RAO, MANJUNATH N

ART UNIT PAPER NUMBER

1652

DATE MAILED: 06/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action
After the Filing of an Appeal Brief

Application No.

09/836,613

Examiner

Manjunath N. Rao, Ph.D.

Applicant(s)

HOPWOOD ET AL.

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--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The reply filed 25 May 2005 is acknowledged.

1. ☐ The reply filed on or after the date of filing of an appeal brief, but prior to a final decision by the Board of Patent Appeals and Interferences, will not be entered because:

a. ☐ The amendment is not limited to canceling claims (where the cancellation does not affect the scope of any other pending claims) or rewriting dependent claims into independent form (no limitation of a dependent claim can be excluded in rewriting that claim). See 37 CFR 41.33(b) and (c).

b. ☐ The affidavit or other evidence is not timely filed before the filing of an appeal brief.
See 37 CFR 41.33(d)(2).

2. ☐ The reply is not entered because it was not filed within the two month time period set forth in 37 CFR 41.39(b), 41.50(a)(2), or 41.50(b) (whichever is appropriate). Extensions of time under 37 CFR 1.136(a) are not available.

Note: This paragraph is for a reply filed in response to one of the following: (a) an examiner's answer that includes a new ground of rejection (37 CFR 41.39(a)(2)); (b) a supplemental examiner's answer written in response to a remand by the Board of Patent Appeals and Interferences (37 CFR 41.50(a)(2)); or (c) a Board of Patent Appeals and Interferences decision that includes a new ground of rejection (37 CFR 41.50(b)).

3. ☒ The reply is entered. An explanation of the status of the claims after entry is below or attached.

4. ☐ Other: _____

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Advisory Action

Claims 19-21, 25-27, 29-31, 60-64 are now currently pending in this application.

Applicant's request for reconsideration filed on 5-25-05 has been considered and ENTERED. However, claims are still not in condition for allowance for reasons set forth below.

In response to the previous Office action applicants have argued that the reference polypeptide and the claimed polypeptide are not one and the same or alternatively the claimed polypeptide is rendered obvious. In support of such an argument applicants reproduce two paragraphs from the publication of Weber et al. However, it should be noted that the reproduced paragraphs only describe the differences between the two forms of NAGLU, the 77 and 80kDa and is totally silent between the differences one can see in the purified form and the recombinant form of the enzyme. While the reference of Weber et al. indicates that the difference between the 79 and 89 kDa proteins is due to glycosylation, it does not indicate whether such differences exist between the purified enzyme and the recombinant enzyme.

Applicant also brings in the differences in the molecular weight of the enzymes in the reference and that claimed herein. However, the difference in the molecular weights pointed by the applicant are so small that it cannot be concluded that they are significant difference to warrant that the two polypeptides are different. The difference appears to be within the experimental error of the techniques of determining the molecular weight.

Therefore, for reasons of record all previous rejections are maintained.

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Manjunath N. Rao, Ph.D. whose telephone number is 571-272-

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0939. The Examiner can normally be reached on 7.00 a.m. to 3.30 p.m. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, Ponnathapura

Achutamurthy can be reached on 571-272-0928. The fax phone numbers for the organization where this application or proceeding is assigned is 571-273-8300 for regular communications and for After Final communications. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-1600.



Manjunath N. Rao, Ph.D.

Primary Examiner

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June 15, 2005